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Stratosphere Gaming LLC d/b/a  
THE STRAT*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SKYE KUKA, an individual,

Plaintiff,

vs.

Stratosphere Gaming, LLC d/b/a THE STRAT, a  
limited liability company,

Defendant.

Case No.: 2:20-cv-01397-JAD-BNW

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY AND  
DISPOSITIVE MOTION DEADLINES**

**(Third Request)**

IT IS HEREBY STIPULATED by and between Defendant Stratosphere Gaming, LLC d/b/a THE STRAT (“Defendant” or “Strat”) by and through its counsel of record, Jackson Lewis, P.C., and Plaintiff Skye Kula (“Plaintiff”), by and through her counsel, Mullins & Trenchak, hereby stipulate and agree as follows:

1. On October 5, 2020, the Court entered an Order granting the Stipulated Discovery Plan and Scheduling Order submitted by the parties. ECF No. 20.

2. This is the third request by the parties to extend the discovery deadlines as set forth in the October 5, 2020 Order. ECF No. 20.

3. The Parties previously stipulated and the Court granted a First Request to extend the Stipulated Discovery Plan and Scheduling Order on January 20, 2021, following a COVID-19 exposure that severely impacted Defendant’s counsel and required closure of counsel’s office. ECF No. 25. The Court also granted a Second Request to extend as Plaintiff’s Counsel was

1 scheduled for a surgical procedure in June of 2021 which would require additional time away  
2 from the office, with an anticipated four (4) to six (6) weeks of recovery time.

3 4. Unfortunately, Plaintiff's Counsel required two surgeries, one in late June and the  
4 second in early July and has required extensive recovery time. Plaintiff's counsel has  
5 experienced complications and pain management issues that have lengthened the original  
6 recovery time. In addition, Defendant's Counsel also fell seriously ill with the flu, which kept her  
7 out of the office for several weeks in late July and early August. Counsel for both Parties have  
8 been diligently catching up on cases that were delayed due to their time out of the office and have  
9 been trying to complete written discovery in order to schedule depositions to complete discovery.

10 5. In this case, the parties have been working on written discovery, including  
11 Defendant's responses to extensive written discovery served by Plaintiff, including  
12 Interrogatories, Requests for Production of Documents, Requests for Admissions, and  
13 supplementing Initial Disclosures. Plaintiff is finalizing responses to Defendant's Request for  
14 Production of Documents and Interrogatories, after which the parties will take witness  
15 depositions.

16 6. The parties stipulate and agree to extend the deadline for the close of discovery for  
17 one hundred twenty (90) days to allow the parties to complete the pending written discovery and  
18 conduct necessary depositions in order to fully evaluate the claims and defenses presented.

19 **STATEMENT OF DISCOVERY THAT HAS BEEN COMPLETED**

20 On October 22, 2020, Defendant served its initial disclosures. On October 23, 2020,  
21 Plaintiff served her initial disclosures. On November 17, 2020, Plaintiff served Plaintiff's First  
22 Set of Requests for Production of Documents (Request Nos. 1-32), Interrogatories and Request  
23 for Admissions. On February 12, 2021, Defendant served its First Set of Requests for Production  
24 of Documents and Interrogatories on Plaintiff. On March 1, 2021, Defendant responded to  
25 Plaintiff's First Set of Requests for Production of Documents (Request Nos. 1-36), Interrogatories  
26 and Request for Admissions. Defendant also served a Supplement to Initial Disclosures on March  
27 1, 2021. Plaintiff is finalizing responses to Defendant's written discovery requests. The parties  
28 are currently working on completing written discovery and scheduling depositions.

1                   **STATEMENT OF DISCOVERY THAT REMAINS TO BE COMPLETED**

2           The parties have not yet completed discovery and anticipate that additional time will be  
3 needed for written discovery and depositions due to the impact of recent medical issues and  
4 illness experienced by counsels for both parties. For the above stated reasons, the parties request  
5 that the discovery deadline be extended ninety (90) days from **September 28, 2021 to December**  
6 **27, 2021.**

7                   **PROPOSED SCHEDULE**

8           The parties stipulate and agree that:

9           1.     **Discovery:** The discovery period shall be extended ninety (90) days from  
10 **September 28, 2021 to December 27, 2021.** The deadline to request an additional extension to  
11 the discovery period shall be May 10, 2021, twenty-one (21) days before the scheduled discovery  
12 cut-off.

13           2.     **Dispositive Motions:** The parties shall have through and including **January 26,**  
14 **2022,** to file dispositive motions, which is 30 days after the discovery deadline.

15           3.     **Pre-Trial Order:** If no dispositive motions are filed, the Joint Pretrial Order shall  
16 be filed thirty (30) days after the date set for the filing of dispositive motions. In the event  
17 dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until  
18 thirty (30) days after decision on the dispositive motions or by further order of the Court.

19           4.     **Extensions or Modifications of the Discovery Plan and Scheduling Order:** In  
20 accordance with Local Rule 26-4, a stipulation or motion for modification or extension of this  
21 discovery plan and scheduling order and any deadline contained herein, must be made not later  
22 than twenty-one (21) days before the subject deadline.

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1 This stipulation and order is sought in good faith and not for the purpose of delay.

2 Dated this 26th day of August, 2021.

3 LAW OFFICE OF  
4 MULLINS & TRENCHAK

JACKSON LEWIS P.C.

5 /s/ Philip J. Trenchak  
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9 *Attorney for Plaintiff*

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15 *Attorneys for Defendant*  
16 *Stratosphere Gaming LLC.*

17 4851-9470-3608, v. 1

18 **Order**

19 **IT IS SO ORDERED**

20 **DATED:** 10:29 am, August 27, 2021

21 

22 **BRENDA WEKSLER**  
23 **UNITED STATES MAGISTRATE JUDGE**